

Libby Community Advisory Group

Meeting Summary

May 17, 2001

Introductions

Gerald Mueller and Libby Community Advisory Group (CAG) members present introduced themselves. A list of all of the members in attendance is attached below as Appendix 1.

Agenda

Mr. Mueller reviewed an agenda for this meeting including the following topics:

- Inspector General Update
- Agency Reports
 - ATSDR
 - Lincoln County
 - St. John's Hospital
 - EPA
- National Priorities List Site
- Memorial
- Public Comment

Inspector General Update

Gerald Mueller reported that Inspector General Nikki Tinsley has identified two possible dates for her attendance at a CAG meeting, June 28 and July 12.

ATSDR Report

Dan Strausbaugh, Montana Representative of ATSDR, reported on behalf of his agency on the following topics.

Second Round of Medical Testing

An article appeared last week in the local paper indicating that the second round of medical testing may not be conducted because the CARD clinic had not received a grant requested from HHS. Medical testing in Libby is provided by ATSDR through our contractor, NORC. The medical testing is independent of the CARD clinic operations and funding. ATSDR expects to begin the second round of medical testing the first week of August. A press release advertising the second round of medical testing will be released to local newspapers, radio stations and television during the week of June 17th. Eligible people should be able to begin making appointments after June 20th. ATSDR will send a letter to graduates of the 1961 class of Libby High School and make screening available to them during the class reunion scheduled at the end of July.

ATSDR Final Report

Data from the first round of medical testing will be delivered to ATSDR this month. The ATSDR Team met this week in Denver with Dr. Spence, Dr. Miller, Dr. Black and others to discuss the types of analysis will be conducted for the final report.

CT Study

The objective of the CT study is to evaluate the effectiveness of traditional chest x-rays

in identifying lung abnormalities associated with asbestos exposure. Three hundred thirty people who participated in the medical screening last summer and fall have been selected for the study. Letters will be sent next week to these people inviting them to participate.

CAG Member Question - A joint reunion of the graduates from the Libby High School classes of 1975 and 1991 will take place on August 11. Will ATSDR make arrangements for people at this reunion to have the medical testing?

Answer - We will look into doing so.

CAG Member Question - Will testing occur outside of Libby in the second round?

Answer - No. Separate testing will begin this summer in Minneapolis related to Western Minerals.

Lincoln County and St. John's Hospital Report

Neither Lincoln County nor St. John's Hospital had a report for this meeting.

EPA Report

Wendy Thomi, EPA Community Involvement Coordinator, and Paul Peronard, EPA On-Scene Coordinator, reported on behalf of EPA on the following topics:

School Fact Sheets and CAG Evaluation

Wendy Thomi stated that fact sheets addressing asbestos cleanup at the Libby schools were available at this meeting. She also asked that CAG evaluations be completed by the May 18.

Cleanups

- Screening Plant - An articulated dump truck that was just delivered to the site rolled into the Kootenai River. About 5-15 gallons of diesel fuel was spilled into the river. After being removed from the river, the truck still functioned. An investigation is underway into the cause of this accident. Hauling of the contaminated material from the Screening Plant to the mine for disposal will begin this Friday. Twenty trucks driven by twenty locally hired drivers will begin this Friday. The first one and one-half mile of Rainy Creek Road has been paved and decontamination stations are in place where trucks hauling the contaminated materials will be cleaned.
- Export Plant - We met today with the City to discuss disposition of the buildings at the Export Plant Site. All buildings will be demolished. How to replace them is under discussion. We are working around the Millwork West planer building so that it can continue to be used temporarily. Work at the Export Plant Site and Screening Plant sites should be completed this summer.

CAG Member Question - Why wasn't the Millwork planer moved to the other site?

Answer - Moving the planer would have caused Millwork West to lose a contract. Since the planer normally operates only four or five days per month, the plan was to decontaminate the building when the planer was not running.

- Schools

Since the last CAG meeting on April 26, more contamination has been found at the high school walking path and at the middle school track area. These contaminated areas have been closed off. Full scale cleanups at the schools will begin in June after classes end. The schedule of the cleanups is available at the EPA Information Center. EPA has had calls requesting that one or the other of these facilities be cleaned first. The clean-up priority order now is Plummer Elementary,

first, the high school, second, followed by the middle school, third.

CAG Member Comment - The question has been asked how much children used the ice rink at Plummer Elementary. People are telling me that because it was an open area, it was a favorite place for children to play when it was ice free.

Response - This area was covered the day after it was discovered to be contaminated.

CAG Member Question - When were tailings brought to the ice rink site?

Answer - We believe the tailings were placed in 1973. The material found at Plummer is different than at the other schools, and to date no one knows why. If someone knows who did the hauling, please contact EPA.

- **Railroad Tracks**

Asbestos has been found by BN along its tracks, in its railroad yards, and in vermiculite insulation in its buildings. BN has begun a voluntary cleanup. Vermiculite insulation is being removed. Baseline monitoring along the tracks has found the highest concentrations measured anywhere in Libby, 7-14 fibers per cubic centimeter. EPA will be meeting next week in Denver with BN's remediation manager regarding BN's cleanup activities.

Audience Member Comment - Covering contamination with six inches of gravel is not a good idea because maintenance will stir the stuff up.

Response - EPA does not yet have a plan for BN facility cleanups. When we do, we will discuss it here.

CAG Member Question - Where were the high levels of asbestos found?

Answer - High levels were found at three locations, where Highway 37 crosses the railroad tracks, close to the 5th street track crossing, and at the loading station near the bluffs.

CAG Member Question - When was the sampling conducted?

Answer - A month ago over a two week period.

CAG Member Question - Is there a mitigation plan in place to keep the dust down?

Answer - Not yet.

CAG Member Question - Did BN notify people of the testing?

Answer - No. They didn't anticipate a problem on the railroad main line. As soon as they had the data, they came to EPA, so we are not inclined to take any punitive action against them.

CAG Member Question - Has the Christian School been notified?

Answer - No. The maintenance that might affect them only occurs twice a year.

CAG Member Question - Has it been determined that the asbestos is tremolite, maybe it came from train break linings.?

Answer - Electron microscopy indicates material around the tracks includes 15% tremolite asbestos, similar to material found at the mine.

CAG Member Comment - Some people in the community have asked what the EPA has done since

coming here two years ago. The recent discoveries at the BN facilities indicate how complex the problem is. Railroad workers are being exposed now, not just at the time of the derailment years ago.

Official Visits

We are attempting to arrange a visit by the Governor and EPA and other officials in July or August.

Superfund National Priorities Listing

Mr. Peronard began this topic by stating that including Libby on the National Superfund Priorities List (NPL) has both advantages and disadvantages. A primary advantage for listing is funding. Actions to date in Libby have been under the emergency response program. Funding for Libby has been twice the budget for the entire Region VIII emergency program. While funding for the emergency clean-up actions now underway is assured for this year, no guarantee exists that money will be available for the next fiscal year. Mr. Peronard then introduced Dave Williams, National Priority List Coordinator for EPA Region VIII. Mr. Williams stated that the Superfund Program has two pots of money. One pot is the emergency response program mentioned by Mr. Peronard. Funding for Libby has stressed this pot at the regional level. The other pot is for NPL sites. Prior to 1993 the NPL pot was funded from a tax levied on chemical manufactures. In 1993 this tax expired so NPL funding now comes from Congressional appropriations to the federal general fund. The NPL pot provides a better assurance of long-term funding than the emergency response pot. Currently, there are 1,420 sites on the NPL list nationwide.

Mr. Williams said that adding a site to the NPL is a formal rulemaking process. The first step is to determine the suitability for listing using the hazard ranking system. This step is underway for Libby. The hazard ranking system looks at all pathways for exposure to a hazardous material including air, surface and ground water, human residences, and fish and wildlife habitat. Should the ranking exceed the threshold hazard ranking, EPA may propose adding the site to the NPL via a rule proposal in the Federal Register. Proposals are published in October, January, April, or July. Once it appears in the Federal Registry, the public may comment on a listing proposal for 60 days. EPA must respond to every comment opposing listing, and if comments are extensive, EPA may take from six months to one and one-half years to do so. After EPA's listing decision, the rule making is subject to a 90 day appeal period and after that court challenge. Because of the potential legal action, EPA's listing activities including its response to comments are carefully documented. A common criticism of NPL listing is that the process is too slow. This was particularly true in the 1980's. EPA has, however, learned from its listing experiences and from the 1980's to the 1990's the listing decision time has been cut by one-third.

EPA's listing decision is dependent not only on scientific analysis, but also community support, including groups like the CAG and local and state health departments. EPA normally looks to state governors to determine if community support is adequate.

CAG Member Question - Is the level of remediation determined by the hazard ranking analysis?

Answer - No. The extent and nature of the contamination is determined after the listing decision.

CAG Member Question - We have been told that EPA will attempt to recoup its emergency response costs from W.R. Grace. If Libby is listed as an NPL site and W.R. Grace is successful in its bankruptcy filing, who would pay to clean up Libby?

Answer - The funding would come from federal taxpayers.

CAG Member Question - You mentioned that EPA normally relies on the governor to determine the degree of community support. Where does the governor get her or his information?

Answer - From sources such as letters from local people and advice from local and state health departments.

CAG Member Question - Can EPA override a governor's opposition to NPL listing?

Answer - EPA's deference to governors is policy not law, so EPA could "override" a governor. Such an action by EPA would be extraordinary. EPA has listed a site in the face of a governor's opposition only once.

CAG Member Question - What does a governor actually decide in this process?

Answer - Assuming a site appears to warrant listing, EPA will send a letter to a governor describing the situation and proposing an NPL listing. The governor responds to EPA's letter.

CAG Member Comment - When the Libby story broke in November 1999, no state officials said they knew about it. We had to fight an uphill battle to get Helena to pay attention. I am very uncomfortable with the idea that the Governor has veto power over the NPL listing decision.

CAG Member Question - How does EPA evaluate comments on a Federal Register proposed NPL listing? Would comments from outside Libby be given the same weight as those from this community?

Answer - Support of the local community and the Governor are critical to a positive listing decision. All comments are addressed equally, but the nature of the comments matters. Also, EPA must respond to all negative comments, including those from outside Libby.

CAG Member Question - How will the budget cuts proposed by President Bush impact NPL cleanups?

Answer - The cuts affect specific programs. The highest priority programs will still be funded.

CAG Member Question - What are the alternatives to NPL listing for funding the Libby cleanup?

Answer - There are three alternatives to NPL funding:

- The responsible party could fund it;
- The Congress could directly fund the cleanup, thereby avoiding NPL; and
- The EPA Administrator could continue using the emergency response program.

CAG Member Question - Libby has been on the fast track through the Emergency Response Program. Would an NPL listing slow down the cleanup?

Answer - Mr. Peronard answered with an example. In the Ten Mile Basin east of the Continental Divide, tailings from an abandoned mines were contaminating Ten Mile Creek which is part of Helena's water supply. Under the Emergency Response Program, EPA pulled tailings out of the Creek. Meanwhile the area was proposed for NPL listing to provide funding to clean up of the abandoned mines not subject to funding reprioritizing under the Emergency Program. The listing provided for a transition from the Emergency Response Program to the NPL Program without slowing the emergency Ten Mile Creek cleanup.

CAG Member Comment - The faster we can get cleanup in Libby the better.

Response - The issue is funding the cleanup.

CAG Member Question - Will the Emergency Response funding continue?

Answer - We don't know. Money for the next construction season (2002) is not guaranteed.

CAG Member Question- Are there other communities who have faced NPL listing decisions whose experiences we could benefit from?

Answer - There are 12- 14 sites, primarily mining and smelter sites, in the Rocky Mountain west that are on the NPL. One example is Stockton, Utah, which was a town with arsenic and lead in soils. An Emergency Program response removed about 18 inches of soil from about 300 homes. After a year and one-half process, the town was subsequently added to NPL, and the resulting cleanup has revitalized the town. Bunker Hill in Idaho and Butte are other examples in which some things went well and some didn't.

Audience Member Comment - I'm from Smelterville in Idaho which was cleaned up under the NPL Program. We now have a better atmosphere in the town.

CAG Member Question - I have been in contact with a couple from Silver Valley, Idaho. They have described the NPL process to me as slow and methodical. They have volunteered to lead a tour of Silver Valley for members of the CAG. Could EPA find travel funds for CAG members to travel to Silver Valley?

Answer - If we have a concrete proposal to visit other NPL communities, EPA may be able to find some travel funds for this purpose.

CAG Member Comment - One of the topics in the TOSC scope of work is education on the superfund NPL process.

CAG Action - The CAG requested that its TOSC Subcommittee contact Kevin Mellott, the TOSC Assistant Project Manager, and ask for a report at the next meeting on the pros and cons of NPL listing.

CAG Member Question - When should the community decide about a listing? What is the next step?

Answer - EPA is now conducting the hazard ranking analysis. We are looking at two scenarios, one involving a separate listing for the mine and for the town of Libby, and the second with just one listing for the mine and all sites in the town together. We will share the results of the ranking with you.

CAG Member Question - If a listing is pursued, would the Emergency Response actions including risk assessment and abatement of the asbestos in homes continue?

Answer - Yes, the Emergency Response would continue to eliminate immediate health threats such as the asbestos contamination at the schools. But after the Emergency Response is completed, asbestos contamination will remain and the community will face the question of what is the best long-term solution to address it. The abatement in houses is a separate question. As stated at previous meetings, EPA may not have the authority under the superfund law to remove asbestos contaminated vermiculite insulation.

Audience Member Question - If Libby is designated an NPL Superfund Site, how long will the economic downturn last that accompanies it?

Response - EPA studies indicate that an NPL listing is accompanied by negative publicity and negative economic consequences such as reduction in property values. The negative impacts last until the site is cleaned up. In the case of Libby, the negative publicity has already occurred, and it is hard to see how it could get worse. The situation won't improve until cleanup happens.

CAG Member Comment - We heard tonight that EPA has hired twenty truck drivers to transport contaminated materials from the screening plant site to the mine. These will not be minimum wage jobs. We need a study of how many jobs and payroll and expenditures we have in Libby because of the Emergency Response cleanup.

Audience Member Question - What is EPA's projected budget for this year?

Answer - From Oct. 1, 2000 to Oct. 1, 2001, EPA will expend \$16 million, including \$10.5 million spent in Libby for direct clean-up activities. Through the end of this fiscal year, EPA will have spent a total of \$28 million, about 45% of which will have been spent in Libby.

CAG Member Question - If Libby is included on the NPL, can we get funding to compensate for the associated economic downturn?

Answer - Not from EPA.

CAG Member Comment - Some people support and some people oppose EPA's action here. Some people support the cleanups but oppose an NPL listing.

CAG Member Comment - Maybe it would be a faster route to completing the cleanup if we can get Administrator Whitman to commit to funding it outside of the NPL program.

Response - Even if she would agree, her tenure may last only four years. Congress would also have to agree.

CAG Action - CAG members agreed to consult with their constituencies about an NPL listing prior to the next meeting on June 14. The CAG also agreed to consider at its next meeting a letter to Governor Martz supporting an NPL listing that Wilbur Wilson volunteered to draft.

Memorial

Mike Switzer reported on progress towards establishing a memorial with crosses for each person that has died due to asbestos exposure in Libby. A temporary location has been found across the highway from Millwork West. Mr. Switzer also listed the donations of materials and labor that will result in 245 crosses for asbestos victims. Gayla Benefield, Jim Racicot, and Mr. Switzer are gathering the names of the victims for the memorial and Bob Dedrick and Wilbur Wilson are working on a ceremony for the victims on Memorial Day.

Public Comment

Audience Member Question - At an earlier meeting it was suggested that an insert be included in utility bills warning about proper disposal of asbestos contaminated wastes. Did anything come of this suggestion?

Answer - The utility was cold to the idea.

Next Meeting

The next two CAG meetings were scheduled for Thursday, June 14 and June 28, 2001 from 7:00 to 9:00 p.m. in the Ponderosa Room of Libby City Hall.

Appendix 1

CAG Member Attendance List

May 17, 2001

Members	Group/Organization Represented
K.W. Maki	Libby School District #4
George Keck	Community Health Center
Mike Switzer	Asbestos Victim
Cyrus Lee	Kootenai Valley Headstart
Wilbur Wilson	Senior Citizens
Bob Dedrick	Asbestos Victim
George Bauer	City of Libby
David F. Latham	The Montanian
Wendy Thomi	EPA Community Involvement
Paul Peronard	EPA On-Scene Coordinator
Ron Anderson	Lincoln County
Dan C. Strausbaugh	ATSDR/Montana Office
Gayla Benefield	LCAVRO
Leroy Thom	Former Grace Employee
Clinton Maynard	Area Asbestos Research Group
Robert Foote	Libby Ministerial Association
Eileen Carney	State Representative
Sandy Wagner	Libby Resident
Kerry Beasley	St. John's Hospital